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May 2, 2013

VIA ELECTRONIC CASE FILING

Hon. Thomas C. Platt
United States District Court
Eastern District of New York
100 Federal Plaza
Central Islip, New York 11722-9014
Attn: Ms. Karen McMorrow

Re: *Town of Oyster Bay v. Northrop Grumman Systems Corp., et al.*
Case No.: CV-05-1945

Dear Judge Platt:

This firm represents Plaintiff/Counterclaim Defendant, Town of Oyster Bay (the "Town"), in connection with the above-referenced matter. We write in furtherance of the Court's request for a status report regarding this litigation.

It is the Town's understanding that Defendant, Northrop Grumman Systems Corp. ("NGSC") intends to submit a separate status report to the Court which outlines the procedural history of this matter, including that, as of July 31, 2011, the only remaining matters before this Court are the counterclaims by NGSC against the Town. In addition to the procedural history outlined by NGSC, the Town wishes to advise the Court of certain developments that impact the remaining matters at issue in this litigation.

As the Court may recall, the claims by the Town and counterclaims by NGSC seek recovery of amounts in connection with the remediation of pollution at and around the Bethpage Community Park (the "Park"). Beginning in June 2011, NGSC and the Town engaged in preliminary discussions towards resolution of the parties' claims at issue in this action. Thereafter, in May 2012, the New York State Department of Environmental Conservation (the "DEC") issued a Preliminary Remedial Action Plan ("PRAP") which set forth the DEC's proposed remedy for addressing various forms of contamination in and around the Park, which was expected to cost approximately eighty one million (\$81,000,000) dollars. The remedy that was ultimately set forth in the PRAP was different than the proposed remedies the Town and NGSC had provided to the DEC. As such, the Town and NGSC



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turned their attention away from settlement of this litigation and, instead, re-focused their discussions and efforts to providing commentary to the remedy set forth by the DEC in the PRAP.

Several weeks ago, the DEC issued a Record Of Decision ("ROD") which formally orders implementation of the remedy outlined in the PRAP. The Town is currently preparing to provide the DEC with its comments to the ROD and it is our understanding that NGSC is preparing to do the same. After the Town and NGSC have provided their respective comments to the DEC concerning the ROD, the Town intends to re-visit with NGSC the possibility of resuming discussions concerning resolution of this litigation.

Should the Court have any questions concerning this matter, please contact the undersigned.

Respectfully submitted,

RIVKIN RADLER LLP

A handwritten signature in black ink, appearing to read "Janice McGuckin-Greenberg". Above the signature, the firm name "RIVKIN RADLER LLP" is printed in a small, capital-letter font.

cc: All counsel of record (via ECF)